

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:	§	
	§	
Javier Cavazos, Jr.	§	CASE NO. 17-31263-H5-13
	§	CHAPTER 13
DEBTOR(S)	§	

MOTION TO MODIFY CHAPTER 13 PLAN AFTER CONFIRMATION
PURSUANT TO 11 U.S.C. §1329(a)

IF YOU WANT A HEARING, YOU MUST REQUEST ONE IN WRITING, AND YOU MUST RESPOND SPECIFICALLY TO EACH PARAGRAPH OF THIS PLEADING. YOU MUST FILE YOUR RESPONSE WITH THE CLERK OF THE BANKRUPTCY COURT WITHIN 21 DAYS FROM THE DATE YOU WERE SERVED AND GIVE A COPY TO THE PERSON WHO SENT YOU NOTICE; OTHERWISE, THE COURT MAY TREAT THE PLEADING AS UNOPPOSED AND GRANT THE RELIEF.

IF A PARTY REQUESTS EMERGENCY CONSIDERATION THE COURT MAY ACT EXPEDITIOUSLY ON THE MATTER. IF THE COURT ALLOWS A SHORTER RESPONSE TIME THAN TWENTY-ONE DAYS, YOU MUST RESPOND WITHIN THAT TIME. IF THE COURT SETS AN EMERGENCY HEARING BEFORE THE RESPONSE TIME WILL EXPIRE, ONLY ATTENDANCE AT THE HEARING IS NECESSARY TO PRESERVE YOUR RIGHTS. IF AN EMERGENCY HEARING IS NOT SET, YOU MUST RESPOND BEFORE THE RESPONSE TIME EXPIRES.

The Debtor files this Motion to Modify his confirmed plan.

1. HISTORY OF CASE. This case was filed on 3/2/2017. The plan was confirmed on 5/18/2017. The plan has not been previously modified.

2. REASON FOR MODIFICATION. The Chapter 13 Plan is being modified to cure any arrears to the Chapter 13 Trustee. The Plan is also being modified to provide for the priority and secured claims filed. The Plan is also being modified to include a claim for post petition mortgage payment to Citifinancial for the month of August 2017 in the amount of \$721.70. The Ongoing mortgage payment is to resume in the month of September 2017 as outlined in the modified plan.

3. PLAN PAYMENTS UNDER CONFIRMED PLAN. The confirmed plan requires payments as follows:

Months 1-60 \$1,220.00

4. PAYMENTS PREVIOUSLY MADE. As of the date this motion was filed, the

Debtor has made payments to the chapter 13 trustee totaling \$6,100.00. Attached as Exhibit "C" is a schedule of all amounts received by the Chapter 13 Trustee.

5. FUTURE PROPOSED PLAN PAYMENTS (AS MODIFIED). The proposed modified plan requires future payments as follows:

Months 1-5 \$1,220.00
Months 6-7 \$800.00
Months 8-60 \$1,350.00

6. CURRENT DEFAULTS. The Debtor is currently in default on payments to the Chapter 13 Trustee as follows:

Dollar amount in default:	\$1,220.00
Number of payments in default:	1
Last payment received:	8/2/2017
Amount of Last payment:	\$1,220.00

7. PROPOSED PLAN MODIFICATIONS.

- A. All payment defaults, if any, set forth in paragraph 6 are cured by this modification.
- B. See Exhibit "A" for Plan Summary and treatment of secured debts.

8. INTERIM PAYMENTS. Payments due under this modification will commence on the first due date after this modification is filed, whether or not the modification has yet been approved by the court.

9. BUDGET. The Debtor's modified schedules Amended I and J that the Debtor requests to be considered with this modification are attached as Exhibit "B".

10. ATTORNEY'S FEES. Debtor's counsel shall be paid \$0.00 as a fixed fee for this modification.

Respectfully Submitted,

Kyle Kenneth Payne
State Bar No. 24083637
5225 Katy Freeway, Suite 505
Houston, TX 77007
Tel.: 713-228-0200
Fax: 713-588-8750
Attorneys for Debtor(s)

/s/ Kyle Kenneth Payne
Kyle Kenneth Payne

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the attached Motion to Modify has been served by first class United States Mail, postage paid, or Certified Return Receipt Requested where indicated, or by electronic filing on the following parties, on 09/07/2017

US Trustee, Region 7
515 Rusk, Suite 3516
Houston, Texas 77002

William E. Heitkamp
(electronically)

Javier Cavazos, Jr.
3605 Cedar Hill Ln
Houston, TX 77093

All other persons and entities on attached sheet(s), if any.

/s/ Kyle Kenneth Payne
Kyle Kenneth Payne